



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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APR 22 2014

Ref: 8ECEJ

The Honorable Steve Daines
US House of Representatives
Washington, DC 20515-2601

Dear Congressman Daines:

Thank you for your letter of March 24, 2014, to Gina McCarthy, Administrator of the U.S. Environmental Protection Agency (EPA), expressing concerns about the EPA's approach to enforcement against the City of Great Falls, Montana (City). As your letter indicated, the City and Malteurop North America, Inc. (Malteurop) recently entered into a Consent Decree with the United States and the State of Montana (State) related to the generation of hydrogen sulfide in the City's sewer system as well as persistent sewage overflows of the City's wastewater system.

Clean Water Act pretreatment regulations protect public health and water resources by establishing responsibilities for municipalities and industrial facilities to control wastewater discharges before they are sent to collection and treatment facilities. We have been actively working with the City and Malteurop since 2005 to address the discharges that result in highly dangerous levels of hydrogen sulfide. In October 2005, when the City first brought the issue to the attention of the EPA, the City was experiencing extremely high levels of hydrogen sulfide within the wastewater treatment system, resulting in adverse health effects for at least one City employee. In November 2005, levels of hydrogen sulfide above sewer manholes along a public walking trail in Great Falls were reported by the City to exceed 100 parts per million (ppm). The National Institute for Occupational Safety and Health (NIOSH) considers 100 parts per million (ppm) to be "immediately dangerous to life or health," raising the EPA's concerns that both City employees and the general public were being put at risk. The EPA immediately responded to the City regarding this hydrogen sulfide issue, providing guidance on how to identify sources and on sampling procedures, and reiterating the City's responsibilities under its pretreatment program to address industrial discharges which adversely affect its wastewater treatment system.

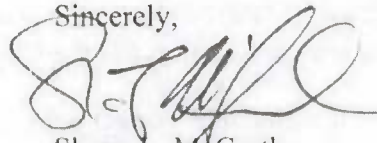
When the City did not address the discharges and hydrogen sulfide levels remained dangerously high, the EPA took action to protect public safety by issuing a compliance order to the City and one of the industrial users requiring that the discharges be addressed. We also asked the City to notify users of the public trail by putting up warning signs. After numerous discussions between the EPA and the City related to the order and pretreatment requirements, and a subsequent order to Malteurop related to its

discharges, the City still did not set protective limits for discharges into its sewer system, did not take action against the industrial users for violating the pretreatment requirements, nor did they alert the public to this problem. Ultimately the EPA referred the case to the Department of Justice (DOJ) in an attempt to ensure that the hydrogen sulfide issues were addressed.

Since referral of this case to DOJ, EPA, the City, Malteurop, the State and DOJ have worked collaboratively to reach agreement on a compliance plan to address the hydrogen sulfide issues as well as the sewage overflow issues with the City. I am encouraged that, under the Consent Decree, Malteurop has agreed to meet worker protection standards for hydrogen sulfide levels in the sewer system and plans to install a new service line that minimizes conditions that create the dangerous gas. Additionally, the City has agreed to remedy the sewage overflows that have resulted in several dozen incidents of raw sewage backing up into residences and buildings and flowing in city streets, as well as discharges of raw or partially treated sewage to the Missouri River. These activities will go a long way to ensure protection of public health and the environment in the Great Falls area.

The Region would welcome a meeting with you and/or your staff to discuss any further questions you may have regarding the history of this case and the settlement. My Staff Assistant, Betsy Varcoe, will contact your staff to set up a meeting.

Sincerely,



Shaun L. McGrath
Regional Administrator

